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Attorneys for KEBIN REYES, a minor, by and
through his father and guardian, NOE REYES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

KEBIN REYES, a minor, by and through his
father and guardian NOE REYES,

Plaintiff,

v.

NANCY ALCANTAR, San Francisco Field
Office Director for Detention and Removal
Services, Immigration Customs Enforcement, in
her individual capacity; JOHN P. MARTINEZ,
in his individual capacity; GREGORY J.
WILLIAMS in his individual capacity;
UNITED STATES OF AMERICA, and DOES
3 through 50 inclusive,

Defendant.

Case No. C07-2271-SBA

STIPULATION AND ORDER FOR FILING AMENDED COMPLAINT

1 WHEREAS, Plaintiff filed a complaint in this action on April 25, 2007;

2 WHEREAS, during the case management conference held on September 19, 2007, the
3 parties discussed and contemplated that Plaintiff would be filing an amended complaint to add
4 claims against the United States pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq.
5 ("FTCA"), and to substitute in natural persons for DOE defendants when their true identifies were
6 ascertained;

7 WHEREAS, Plaintiff filed a FTCA administrative claim with the Immigration and
8 Customs Enforcement ("ICE") agency and the United States Department of Homeland Security,
9 and the claim was denied on October 11, 2007;

10 WHEREAS, Plaintiff seeks to amend his original complaint to include causes of action
11 against the United States for false arrest and imprisonment and other relevant torts that arise out of
12 the same transactions and occurrences alleged in Plaintiff's original complaint and the denied
13 FTCA administrative claim;

14 WHEREAS, Plaintiff contends that he has discovered the true identities of DOE 1 and
15 DOE 2 based on Defendant Nancy Alcantar's Initial Disclosures and seeks to substitute John P.
16 Martinez into the action in place of DOE 1 and Defendant Gregory J. Williams in place of DOE 2;

17 WHEREAS, Plaintiff's filing of an amended complaint in the form of the Amended
18 Complaint attached hereto as Exhibit A will not delay compliance with any of the case
19 management deadlines already ordered by the Court;

20 WHEREAS, defendants shall have sixty (60) days to respond to Plaintiff's amended
21 complaint from the date of service;

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto
2 through their respective attorneys of records that Plaintiff may, pursuant to Rule 15(a) of the
3 Federal Rules of Civil Procedure, file an amended complaint in the form of the Amended
4 Complaint attached hereto as Exhibit A.

5 Respectfully submitted,

6 Dated: _____

COBLENTZ, PATCH, DUFFY & BASS, LLP

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8 By: /s/ Katherine C. Zarate
KATHERINE C. ZARATE
9 Attorneys for KEBIN REYES, a minor, by and
through his father and guardian, NOE REYES

10
11 Dated: _____

ASSISTANT UNITED STATES ATTORNEY

12 By: /s/ Edward Olsen
13 EDWARD OLSEN
14 Attorney for Defendant
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ORDER

Based on the written stipulation of the parties and good cause appearing in support thereof, Plaintiff may file an amended complaint in the form of the Amended Complaint attached hereto as Exhibit A.

IT IS SO ORDERED.

DATED: November 16, 2007


United States District Judge

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